

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Corey Stinson

v.

Civil No. 08cv-00356-JL

Bessette Et Boudreau,  
Inc., et al.

**ORDER AFTER PRELIMINARY**  
**PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on  
**April 14, 2009.**

The parties have agreed that New Hampshire law applies in  
this case.

The Discovery Plan (document no. 10) is approved as  
submitted, with the following changes:

- "DiBenedetto" disclosure deadline -- **October 1, 2009**
- Close of discovery -- **April 15, 2010**
- Summary judgment motions -- **May 1, 2010**
- Trial -- **September 2010**

Based on the discussions between the court and  
counsel/parties at the conference, the following affirmative

defenses are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the defendant's fourth (statute of limitations), eighth (assumption of the risk, but stricken only to the extent that the defense implicates a claim of release; the theories of primary duty implied assumption of risk and secondary implied assumption of risk, see Allen v. Dover Co-Recreational Softball League, 148 N.H. 407 (2002), remain asserted), and ninth (injury by fellow servant).

**SO ORDERED.**

  
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Joseph N. Laplante  
United States District Judge

Dated: April 14, 2009

cc: Philip R. Waystack, Jr., Esq.  
Jonathan S. Frizzell, Esq.  
Marc R. Scheer, Esq.